

United States District Court

ORIGINAL
FILED

NORTHERN

DISTRICT OF

CALIFORNIA

AUG 27 2007

UNITED STATES OF AMERICA

v.

GUILLERMO PONCE

a/k/a RIGOBERTO GONZALEZ

a/k/a RUBEN GOMEZ

(Name and Address of Defendant)

Venue: SAN FRANCISCO

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**CRIMINAL COMPLAINT**

3.07.70504 JCS

CASE NUMBER:

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 11, 2007, in San Francisco County, in the Northern District of California, the defendant did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws in violation of Title 18 United States Code, Section 1542, False Statement in a Passport Application.

I further state that I am a Special Agent and that this complaint is based on the following facts:

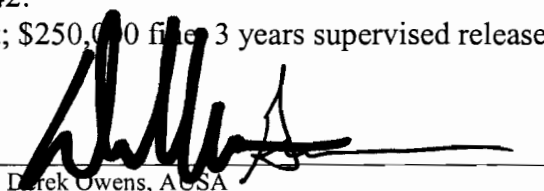
See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

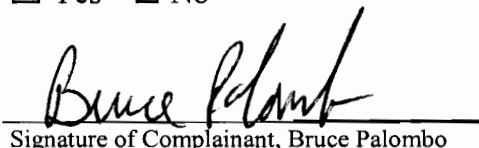
Title 18 USC Section 1542:

10 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:


Derek Owens, AUSAContinued on the attached sheet and made a part hereof: ☒ Yes ☐ NoArrest Warrant Requested: ☒ Yes ☐ No

Bail Amount: _____


Signature of Complainant, Bruce Palombo

Sworn to before me and subscribed in my presence,

August 27, 2007

Date

at

San Francisco, California

City and State

Joseph C. Spero**United States Magistrate Judge**

Name & Title of Judicial Officer


JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE
Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss. AFFIDAVIT
NORTHERN DISTRICT OF CALIFORNIA)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
CHARGING GUILLERMO PONCE,
a/k/a RIGOBERTO GONZALEZ, a/k/a RUBEN GOMEZ
WITH VIOLATING 18 U.S.C. § 1542;
FALSE STATEMENT IN APPLICATION FOR A PASSPORT

I, Bruce Palombo, being duly sworn, depose and state:

Affiant Background

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States State Department. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud and to apply for and serve arrest warrants.

2. I have a bachelor's degree from Stone Hill College and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since 2005, and have received and receive, on an ongoing basis, training in the laws, rules and regulations concerning passports.

Purpose of Affidavit

3. This affidavit establishes probable cause to arrest GUILLERMO PONCE, also known as Rigoberto Gonzalez, also known as Ruben Gomez, for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he applied for a passport and falsely stated his name was Ruben Gomez, when his true name is GUILLERMO PONCE.

4. This affidavit is based in part upon my personal knowledge, interviews, and the review of various records and documents obtained during this investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation.

Relevant Statute

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship,

usually a birth certificate, and proof of identity, usually a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

6. Title 18 U.S.C. § 1542 states, in pertinent part, "Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this title...or imprisoned not more than 10 years...or both." Title 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

7. On or about January 11, 2007, an individual purporting to be Ruben Gomez (hereafter referred to as "SUBJECT"), born on July 23, 1977, in San Francisco, California, executed an application for U.S. Passport at the passport office in San Francisco, California. SUBJECT presented a California driver's license, number B4905541, as proof of identity and a California Certificate of live birth that was issued in February 2001, as proof of citizenship. SUBJECT was subsequently issued passport.

8. On or about March 21, 2007, another individual identifying himself as Ruben Gomez, born on July 23, 1977 (with identical identifying numbers and information), executed an application for U.S. Passport at the passport office in San Francisco, California.

9. On May 10, 2007, I attempted to conduct a field interview of SUBJECT at the house in Richmond, California, that he listed as his residence in his January 11 passport. I found the house had been bought by the City of Richmond in September of 2006 and had been vacant since that time. I spoke with several neighbors who recognized the photo of SUBJECT that he provided with his January 11 passport application. These neighbors directed me to a nearby house at 258 54th Street in Richmond, California.

10. Following the tip from the neighbors, I conducted surveillance of the house at 258 54th Street and recorded California vehicle license plate numbers at the address. I conducted a records check and found that two individuals associated with the license plates were also associated with the 258 54th Street address. The two individuals were Rigoberto Gonzalez and GUILLERMO PONCE. I contacted California DMV and received driver's license photographs for both Gonzalez and PONCE. Both photographs appear to be of the same person, and also appear to be the same person in the photograph submitted by SUBJECT with the January 11 passport application.

11. On May 22, 2007, I spoke with Raul Gomez, brother of Ruben Gomez, at his residence. He is listed as the emergency contact on SUBJECT'S January 11 passport

application. I showed Raul Gomez the photograph submitted with SUBJECT'S passport application. He told me that SUBJECT was not his brother, Ruben Gomez. Raul Gomez also told me that he recognized SUBJECT'S photograph, but could not remember his name. He said he thought SUBJECT worked at the Flower Market in San Francisco.

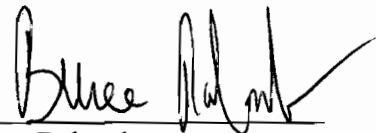
12. On June 19, 2007, I submitted the California DMV thumbprints for Rigoberto Gonzalez and GUILLERMO PONCE for analysis to the Department of Homeland Security's fingerprint database WIN/AFIS. The results of that analysis confirmed that the Gonzalez and PONCE fingerprints belong to the same person. The results also indicated that GUILLERMO PONCE has a weapons conviction associated with FBI number 648707HB5, and that PONCE is a previously deported alien who uses the alias Rigoberto Gonzalez.

13. On August 21, 2007, I submitted the California DMV thumbprint for Rigoberto Gonzalez to WIN/AFIS. The results again confirmed that the fingerprint for Gonzales matches PONCE and FBI number 648707HB5.

Conclusion

13. Based on the facts and information detailed in the affidavit, I believe probable cause exists that GUILLERMO PONCE, also known as Rigoberto Gonzalez, made a false statement in a passport application, in violation of 18 U.S.C. § 1542, when he falsely stated his name was Ruben Gomez on the aforementioned passport application, which was submitted in the Northern District of California. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Bruce Palombo
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON August 27, 2007

~~JOSEPH C. SPERO~~
~~UNITED STATES MAGISTRATE JUDGE~~

THE HONORABLE JOSEPH C. SPERO
United States Magistrate Judge
Northern District of California